

Senate Study Bill 1166 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BROWN)

A BILL FOR

1 An Act prohibiting interference with the transportation of an
2 agricultural animal, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 716.13 Interference with
2 transportation of agricultural animals.

3 1. As used in this section, unless the context otherwise
4 requires:

5 *a.* "*Agricultural animal*" means an animal belonging to
6 the bovine, caprine, equine, ovine, or porcine species; farm
7 deer as defined in section 170.1; ostriches, rheas, and emus;
8 turkeys, chickens, domestic geese or ducks, or other domestic
9 fowl; fish or other aquatic organisms confined in private
10 waters for human consumption; or honey bees.

11 *b.* (1) "*Convicted*" means the entry of a judgment of
12 conviction under chapter 901 or adjudicated delinquent for an
13 act which is an indictable offense in this state or in another
14 state under chapter 232.

15 (2) "*Convicted*" does not mean a plea, sentence,
16 adjudication, deferred sentence, or deferred judgment which has
17 been reversed or otherwise set aside.

18 *c.* "*Motor vehicle*" means any self-propelled vehicle subject
19 to registration under chapter 321, and includes an item
20 attached to the vehicle.

21 2. A person commits interference with the transportation of
22 an agricultural animal if the person knowingly does any of the
23 following:

24 *a.* Stops, hinders, impedes, boards, obstructs, or otherwise
25 interferes with a motor vehicle transporting an agricultural
26 animal, regardless of whether the motor vehicle is moving.

27 *b.* Provokes, disturbs, or otherwise interacts with an
28 agricultural animal when the agricultural animal is confined
29 in a motor vehicle, regardless of whether the motor vehicle is
30 moving.

31 3. In a prosecution alleging that a defendant committed
32 interference with the transportation of an agricultural
33 animal under subsection 2, the defendant may assert an
34 affirmative defense of consent. The defendant must prove by
35 a preponderance of the evidence that the defendant was acting

1 with the consent of any of the following:

2 a. A person having real or apparent authority to transport
3 the agricultural animal. This requirement is met if the person
4 is a shipper or transporter acting in compliance with chapter
5 172B.

6 *b.* The owner of the agricultural animal or any other person
7 having real or apparent authority to possess or control the
8 agricultural animal.

9 4. a. A person who commits interference with the
10 transportation of an agricultural animal, as provided in
11 subsection 2, paragraph "a", is guilty of an aggravated
12 misdemeanor.

13 b. A person who commits interference with the transportation
14 of an agricultural animal, as provided in subsection 2,
15 paragraph "b", is guilty of an aggravated misdemeanor.

16 5. Notwithstanding subsection 4, a person who commits
17 interference with the transportation of an agricultural animal
18 under subsection 2, paragraph "a" or "b", is guilty of a
19 class "D" felony if the person has previously been convicted
20 of committing interference with the transportation of an
21 agricultural animal under either of those paragraphs.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 GENERAL. This bill creates the criminal offense (offense)
26 of interference with the transportation of an agricultural
27 animal. A person commits the offense by knowingly doing
28 any of the following: (1) interfering with a motor vehicle
29 transporting an agricultural animal or (2) interfering with
30 an agricultural animal confined in the motor vehicle. An
31 agricultural animal includes livestock such as cattle, goats,
32 horses, sheep, and swine; exotic animals such as ostriches;
33 farm deer; poultry and other domestic fowl; fish; and honey
34 bees.

35 AFFIRMATIVE DEFENSES AND PENALTIES. Under the bill, a

1 defendant charged with the offense may assert an affirmative
2 defense that the person was acting with the consent of
3 either of the following: (1) a person actually or apparently
4 transporting the agricultural animal or (2) a person actually
5 or apparently exercising legal control of the agricultural
6 animal. A person convicted of an offense under the bill is
7 guilty of an aggravated misdemeanor, unless the person had
8 previously committed such an offense. In that case, the person
9 is guilty of a class "D" felony. An aggravated misdemeanor is
10 punishable by confinement for no more than two years and a fine
11 of at least \$855 but not more than \$8,540. A class "D" felony
12 is punishable by confinement for no more than five years and a
13 fine of at least \$1,025 but not more than \$10,245.